REMARKS

Claims 1-36, 58-106, 133 and 134 are pending in the application, with claims 1, 58 and 71 being independent. Claims 37-57 and 107-132 have been cancelled, without prejudice or disclaimer. Claims 133 and 134 has been added to further claim aspects of the invention. Claims 1, 58 and 71 have been amended to clarify the claims and is not meant to be a narrowing amendment, rather to more specifically recite limitations already present in the claims. Applicants note that an incomplete Office Action was mailed June 28, 2006. Applicants' representative brought this to the attention of the Examiner shortly thereafter which resulted in a mailing of another Office Action dated July 11, 2006, which superseded the Office Action mailed June 28, 2006, and also reset the statutory period for reply. Reconsideration of the amendments and the application is respectfully requested in view of following remarks.

Traversal of §102(e) Rejections

Claims 1-17, 25-36, 58-87 and 95-106 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,449,719 to Baker ("Baker"). This rejection is respectfully traversed.

For anticipation of a claim under 35 U.S.C. § 102, a single prior art reference must contain each and every limitation of the claim, either expressly or under the doctrine of inherency. Applicants submit that Baker does not disclose or suggest every limitation of claimed inventions. In fact, Applicants respectfully submit that Baker belongs to the prior art as described in the Background Section of Applicant's disclosure, where streaming of files across networks, and problems associated with this technique, may be found (see page 2, line 20 to page 3, line 17, for example).

Baker is directed to a process for encrypting a data stream to secure a data stream to enable only single viewing (Summary). The Baker process opens a connection between a client and a streaming server to send packets to a client and controls the flow of the data stream to the client buffer (Summary). The data stream cannot be stored on the client

machine for future playback or re-transmission (col. 3, lines 43-45). The process of Baker encrypts the data stream on-the-fly using encryption keys where the client machine is responsible for decrypting and playback on-the-fly (col. 4, lines 19-30). As explained in relation to Figures 2 and 3 of Baker, the encrypted stream is sent packet by packet from the streaming server to the client machine where the data is decrypted and played on-the-fly. Nowhere does Baker disclose or even suggest a concept of a secure streaming container (SSC) as disclosed by the invention. In the claimed inventions, the streaming media content is contained in a SSC typically along with other information such as DRM and/or executable instructions. The technique employed by the invention avoids the streaming of packets across a network during playback (as well as the problems this technique is subject to such as data interruptions).

In fact, Baker's technique actually belongs to the prior art as explained in the Background Section of the disclosure of the invention, such as page 2, lines 20 to page 3, line 17. Baker is subject to the disruptions due to transmission of streaming files over networks, as described at this section of the Background Section. Baker is not concerned with digital containers at all, in particular, is not concerned with creating a digital container that includes contents comprising streaming media content and digital rights.

Furthermore, Baker also fails to disclose or suggest selecting one or more executable modules for inclusion in the digital container, the selection of the modules being based on at least one of a type of streaming media content and the DRM, as required by claim 1, and similarly the computer program product of claim 71. Baker nowhere discloses or suggests a secure streaming container as provided by the claimed inventions. Moreover, the Examiner has failed to specifically identify such an entity and function in Baker. Figure 2 of Baker simply illustrates commonly employed streaming process at a streaming server where data packets are streamed to a client (see col. 5, lines 25-34, in reference to Figure 1, for example).

However, claim 1 (and similarly, the computer program product of claim 71) recites, in part:

> *creating a digital container that includes contents including streaming media content and digital rights management (DRM);*

> *selecting one or more executable modules for inclusion in the digital container, the selection of the modules being based on at least one of a type of streaming media content and the DRM;*
>
> *encrypting the streaming media content of the digital container to produce a secured streaming container (SSC); and*
>
> *transmitting the SSC containing the encrypted streaming media, DRM and the one or more executable modules to a target device for access of the SSC from the target device.*

Claim 1 requires that a digital container created include contents of various types. The streaming media content is encrypted to produce a SSC. The SSC containing the encrypted streaming media, DRM and one or more executable modules are transmitted to a target device for access of the SSC. Baker fails to contemplate such an entity (i.e., SSC), and also fails to transmit such an entity. The claim language is clear that a secure streaming container is created and transmitted. Whereas, Baker simply streams packets, which may be encrypted.

Claim 58 recites, in part:

> *accessing the secured streaming container (SSC) using the one or more executable modules contained in the SSC to control playback of the streaming media content (emphasis added)*

As stated previously, the invention of Baker belongs to the prior art as discussed in the Background section of the Application. Baker does not contemplate a Secure Streaming Container, rather simply streams packets over a network, which is subject to transmission interruptions. In particular, Baker fails to disclose or suggest a SSC that is accessed using one or more executable modules contained in the SSC. Baker is simply directed to streaming packets of encrypted data which is not a secured streaming container as contemplated by the invention. Further, Baker fails to disclose or suggest, accessing the secured streaming container (SSC) using the one or more executable modules contained in the SSC to control playback of the streaming media content.

Since neither Baker, nor any prior art of record, discloses all the limitations of claims 1, 58 and 71, Applicants respectfully submit that these claims and those claims depending therefrom are now allowable.

The 102(e) rejections of claims 1-17, 25-36, 58-87 and 95-106 should now be withdrawn.

Traversal of 103(a) Rejections

Claims 18-24 and 88-94 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of U.S. Patent No. 6,449,719 to Hind *et al.* ("Hind") This rejection is respectfully traversed.

Applicants submit that the dependent claims 18-24 and 88-94 depend from an allowable independent claim and therefore are also allowable for at least this reason.

Also, Applicants submit that many of the dependent claims are allowable for their own subject matter. For example, as to claims 21 and 91, the Examiner cites col. 1, line 60 though col. 2 line 39, to support his contention that the subject matter of claims 21 and 91 are disclosed or suggested by Baker. However, a review of this Baker passage does not support this contention and, in fact, this passage fails to disclose or suggest anything related to tags providing at least one of a file size and a file type, as required by claims 21 and 91. Therefore, this rejection is clearly improper.

As another example, as to the rejection of claims 22 and 92, on review of the cited passage (col. 3 lines 31-46), Applicants submit that this passage also fails to disclose or suggest the claimed limitations as required by claims 22 and 92. Rather, this passage simply states that the data stream cannot be stored on the client machine or re-transmitted, and the data stream can be viewed as many times as desired within a time period. However, no tags are disclosed that provide access rights. This rejection is clearly improper.

Still another example, as to the rejection of claims 23 and 93, a review of the cited passage (col. 1, line 60 through col. 2, line 39) on page 9 of the Office Action does not support the Examiner's assertion that Baker discloses tags for providing content file tile, key word data, and a key phrase. This rejection is also clearly improper.

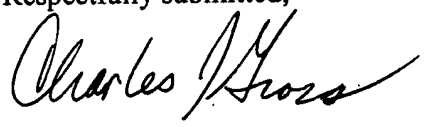
Yet another example, as to claims 24 and 94, a review of the cited passage (col. 3, lines 38-40) on page 9 of the Office Action again reveals that the cited passage fails to support the Examiner's assertion that Baker discloses or suggests compliance with Open Mobile Alliance Standard or Open Data Rights Standard. The Examiner appears to be reading more into Baker than what is actually disclosed.

Applicants respectfully submit that the 103(a) rejections should now be withdrawn.

Conclusion

Applicants submit that all the rejections have been properly addressed and traversed, and the claims are now in condition for allowance. Prompt and favorable reconsideration is requested of the application. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written petition for extension of time if needed. Please charge any deficiencies and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,



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